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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,296	07/03/2003	Bruce William Lavash	9322	3945

27752            7590            05/04/2007  
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CINCINNATI, OH 45224

EXAMINER
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STEPHENS, JACQUELINE F

ART UNIT	PAPER NUMBER
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3761

MAIL DATE	DELIVERY MODE
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05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/613,296	LAVASH, BRUCE WILLIAM	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jacqueline F. Stephens	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 February 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-6 and 8-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 2/9/07 have been fully considered but they are not persuasive. Applicant argues Chen US 20030083631 or Morgor USPN 3575174, which Chen incorporates by reference, does not disclose the channels as being either "zones of enhanced extensibility" for the facing layer or "zones of extensibility" for the absorbent layer. Applicant further states they can find no disclosure in either Chen or Mogor of extensible facing layers or extensible absorbent layers. Chen teaches embossing, slitting, and various methods for creating crease lines and shaping lines in the core and a portion of the facing layer (paragraph 0050). Chen teaches the crease lines and shaping lines create a flexible material, which allows the layers to be folded. The layers are capable of extending in a downward or upward direction. Therefore, the crease lines and shaping lines creates zones of enhanced extensibility. Furthermore, Chen teaches elastic components to impart zones of extensibility, specifically to the absorbent layers. In paragraphs 0066-0068, Chen teaches an outer shaping member as part of the absorbent layer, the outer shaping member being extensible, and thus providing zones of extensibility.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 4-6, and 8-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Chen et al. US 2003/0083631.

As to claims 1 and 15, Chen discloses an absorbent article having a longitudinal axis and a periphery, the absorbent article comprising;

a. a fluid permeable facing layer 85, paragraph 0089 at least a portion of which is extensible

b. a first absorbent layer 78 joined to the facing layer, the first absorbent layer comprising zones of extensibility 77; Chen teaches elastic components to impart zones of extensibility, specifically to the absorbent layers. In paragraphs 0066-0068, Chen teaches an outer shaping member as part of the absorbent layer, the outer shaping member being extensible, and thus providing zones of extensibility.

c. a liquid impermeable backsheet 82 joined to the facing layer at the periphery;

d. fastening means disposed on at least a portion of the garment facing surface (Table 1) defining attachment zone; and

e. wherein at least a portion of the first absorbent layer is decoupled from the attachment zone of the fluid impermeable backsheet (Figure 6).

As to claim 2, the zones of extensibility comprise slits 77.

As to claim 4, see Figure 6.

As to claim 5, the article comprises a second absorbent layer 74, the second absorbent layer being joined to the backsheet and decoupled from the second absorbent layer and the attachment zones of the backsheet (Figure 6, 8B, paragraphs 0098 and 0108).

As to claim 6, see Figure 6.

As to claims 8-9, Chen discloses the facing layer is embossed the first absorbent layer (paragraph 0050).

As to claim 10, see Figure 11 and paragraphs 01107 and 0040.

As to claim 11, see Figure 11.

As to claim 12, see paragraph 0118 where Chen discloses a secondary layer.

As to claim 13, see claim 0118, where Chen discloses an apertured film cover.

As to claim 14, see Table 1, materials for topsheet.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline F. Stephens whose telephone number is (571) 272-4937. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jacqueline F. Stephens  
Primary Examiner  
Art Unit 3761

April 29, 2007